

RESERVES (WANJARRI NATURE RESERVE) BILL 2011

Third Reading

MR B.J. GRYLLS (Central Wheatbelt — Minister for Lands) [10.22 am]: I move —

That the bill be now read a third time.

MR B.S. WYATT (Victoria Park) [10.22 am]: I rise on behalf of the opposition to speak to the third reading of this bill. As was pointed out during the second reading debate and consideration in detail of the bill, the opposition supports this legislation. As the minister stated in his second reading speech, there are benefits to people in the goldfields, particularly in Kalgoorlie, by way of future employment as well as state royalties of approximately \$25 million a year.

It is interesting that the minister also noted in his second reading speech the impact of goods and services consumption, which is approximately \$400 million a year currently. That will impact largely in Kalgoorlie, I dare say, but certainly in the goldfields. The opposition was fortunate enough to receive briefings from the minister's office, the department and BHP Billiton, which made the point that this bill is important to BHP Billiton's consideration of whether to continue mining nickel at that area, because the excision area is important in respect of waste. The member for Gosnells raised concerns about the alternative of trucking waste. However, the opposition appreciates the commercial impact of trucking waste versus a waste location that is close to the site having a significant impact on whether it is a commercially viable operation. It is important to BHP and the state that this bill progresses. I will leave it up to the member for Gosnells to make some brief comments on the conservation value of the excision and the inclusion area. Certainly, it appeared from debate during the consideration in detail of the bill that Western Australians are increasing their conservation stock as a result of this bill, with the excision area being only 758 hectares of land from the class A Wanjarri Nature Reserve, but with 8 431 hectares being brought into the Department of Environment and Conservation for the purposes of conservation of flora and fauna.

The one concern I had, which the minister dealt with during consideration in detail, relates to consultations with Central Desert Native Title Services, which represents the Tjiwarl people's native title claim filed on 17 June 2011 and registered on 13 January 2012. I appreciate that the registration of that native title claim took place after the agreement was signed between the Minister for Lands, the Minister for Mines and Petroleum, the conservation and land management executive body and BHP Billiton Nickel West Pty Ltd and BHP Billiton Yakabindie Nickel Pty Ltd. However, I was pleased that BHP emphasised to the opposition it had been in negotiation already with Central Desert Native Title Services and once this bill goes through the Parliament that can continue, particularly on any of the future act provisions and negotiation of Indigenous land use agreements to ensure that the Tjiwarl people, represented by Central Desert Native Title Services, are satisfied with any native title impacts.

I want to highlight, as the minister pointed out during consideration in detail, the two payments being made by BHP Billiton to the government into consolidated revenue of \$500 000 and subsequently \$2 million. That \$2.5 million will be paid on either the date that BHP makes a decision to proceed or by June 2017, whichever comes first, and will go into that land management process and the negotiation of an Indigenous land use agreement with the Tjiwarl people, who are represented by Mr Rawlings. That concerns me, although the minister committed to responding to correspondence from the CEO of Central Desert Native Title Services, who was quite concerned that he was not aware of this legislation nor had he been given a chance to provide comment. However, once the bill passes through this place, Mr Rawlings will obviously have a role to play in that regard. It is very important to have the Tjiwarl people on board, as no doubt I am sure they will be once they have had the opportunity to speak with the department and there have been further negotiations with BHP. With those few words, I emphasise that the opposition supports this legislation. Ultimately it will provide a good outcome for the people of the goldfields and I look forward to further comments from the member for Gosnells on the conservation implications of the legislation.

MR C.J. TALLENTIRE (Gosnells) [10.28 am]: I am pleased to make a contribution to the third reading debate on the Reserves (Wanjarri Nature Reserve) Bill 2011. The overall debate around this legislation has been useful. Some interesting points were raised in the course of the discussion. One point that hit me when it was put to the minister that there needs to be an urgent release of reports he has commissioned into the viability of pastoral leases was that he was not able to say when those documents would be released. A considerable sum of money was spent on the development of those reports, but we cannot be told when those reports will be released. That is critical to this issue, because we know that some pastoral leases are no longer viable, including the Yakabindie pastoral lease which is the subject of this legislation. We will have this land swap with an excision happening in one area and the inclusion of land from the Yakabindie pastoral lease, and we need to know about the viability of a pastoral lease such as that one. From a pastoral activities point of view, is that pastoral lease in fact totally

unviable? We need to know that sort of thing. If it is the case that the conservation activity that BHP Billiton has undertaken on the Yakabindie pastoral lease has been the reason for the maintenance of that pastoral lease, we need to know that sort of thing. I think the minister needs to come clean to the public on where those pastoral lease viability reports are. That was one point that came up during the course of our debate.

Another interesting thing that arose was the whole rationale for the excision versus the inclusion lands; this was based on a vegetation mapping system. In earlier discussions I referred to the mapping system of Dr J.S. Beard who was one-time head of Kings Park and who made a magnificent contribution to the biogeographical knowledge of the state with his mapping of vegetation complexes across the state. It was put by the minister during debate that Dr Beard's mapping system is an industry standard. I do not think that Dr Beard would necessarily be happy to hear that even today, in 2012, we are still using work that he did at a very broad scale and still referring to it as an industry standard. This clearly indicates that we need better baseline information across the state. Dr Beard's work was done at a scale of 1 to 1 000 000 in this area; therefore, we are using mapping of a scale of 1 to 1 000 000 to indicate the values of different areas in order to make a decision on excision and inclusion. That is not good enough. We need much better information, and if we had that sort of better information, we would be in a much better position to make sensible decisions for the best possible outcome for the state of Western Australia. To ensure that we have good information, we need to put resources into our various agencies and to commission good reports into ongoing detailed vegetation mapping—just to give one example of the sorts of areas for which we need better scientific information and better biogeographical knowledge about the state.

A further point that came up in the course of discussion was the government's failure to embrace the whole notion of an environmental offsets policy. Again, this would have been critical to good decision making when it comes to areas that could be excluded from and included in the conservation estate. I have already said that the information used to make the decision was shaky. Using a mapping system that was on the scale of 1 to 1 000 000 is really inadequate information to be used as baseline material. The framework that we use to make the decision is another matter, and that is where we need that offsets policy; we need to have it clearly outlined. The previous government had an excellent document; namely, an environmental offsets policy that was presented by the Environmental Protection Authority. The government needs to embrace that policy and put it into a lot more detail. I look forward to seeing in the future a much more detailed use of our work in this area of offsets.

With that, I support the bill before the house and I hope that the minister will be able to respond to those three things that came up during the course of debate. Given that this issue of pastoral lease viability is so central to his portfolio responsibilities, the Minister for Lands needs to give us an exact date upon which he will release those pastoral lease viability documents.

MR B.J. GRYLLES (Central Wheatbelt — Minister for Lands) [10.34 am] — in reply: I thank the opposition for its support of the Reserves (Wanjarri Nature Reserve) Bill 2011, which provides for a good outcome for the expansion of Nickel West should BHP Billiton make that decision in the future, and it ensures that we balance the needs of environmental protection with economic sustainability, which is what this government has been determined to do since it came to power. I thank the member for Gosnells for expressing his concerns about the pastoral industry. We will make a range of announcements in coming weeks about that issue with the work that Hon Wendy Duncan has done; that will provide another good opportunity for the member for Gosnells to raise his concerns.

I finish by saying that the support of this bill, should it pass the other house, will allow Nickel West to begin to negotiate with the native title claimants about an Indigenous land use agreement on the Yakabindie pastoral lease. That provides a great opportunity for the native title holders and the traditional owners to find ways that they can benefit from and participate in such projects, and I wish them all the best in those negotiations and offer my support to help them to derive benefits from that ILUA agreement. I thank the house for its support of this bill.

Question put and passed.

Bill read a third time and transmitted to the Council.